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INTERNATIONAL DRUG CONTROL

Letter dated 20 October 1993 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

With reference to agenda item 112 entitled "International drug control", and particularly to the high-level plenary meetings to strengthen international cooperation in drug control, I have the honour to transmit to you herewith a document from the Government of Mexico entitled, "Mexico and international cooperation against the production of, demand for and traffic in drugs".

I would be grateful if you would have this letter and its annex circulated as an official document of the General Assembly.

(Signed) Manuel TELLO
Ambassador
Permanent Representative of
Mexico to the United Nations

Annex

MEXICO AND INTERNATIONAL COOPERATION AGAINST THE PRODUCTION OF, DEMAND FOR AND TRAFFIC IN DRUGS

INTRODUCTION

1. Scarcely five years after the adoption of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which was almost simultaneous with the establishment of specialized regional bodies like the Inter-American Commission for Drug Abuse Control, it was decided to include drug addiction, the illicit production of narcotic drugs, drug trafficking and related offences in the international agenda, because as a matter of concern for all countries, they have proven to have a resiliency beyond all expectations. In conjunction with other great world issues, they will have to be reckoned with in the twenty-first century, with as yet incalculable consequences.

2. The complexity of national and international factors, forces and processes of an economic, social, cultural, ideological, political and legal nature, and their interconnections and interactions, have a strong conditioning effect on control and containment efforts. Drug trafficking is in the process of defining its own economy, its own social structure and its own culture, and is fast becoming a separate political sphere that increasingly influences and weighs on society and the State, and goes so far as to threaten to subdue, absorb and conceivably displace both.

3. The most solid progress made thus far by the international community has been to arrive at a sophisticated conceptualization of the problem and to have devised certain solutions, although it is clear that there are still large lacunae in perception and theory.

4. There is a sufficiently clear grasp of the characteristics and effects of drug consumption, both as a force that destroys people and as the factor that acts as the driving force creating the problem and its many manifestations. Those manifestations can take such violent and sadly extreme forms as the addiction of newborns to cocaine; the so-called street children with permanent brain damage from drug inhalation; old people bereft of any hope other than the consumption of drugs; young adolescents who abandon their studies, their family and any possibility of being productive because of a devastating addiction either to "crack" or to a mixture of tobacco and residues of free-based cocaine; or men and women infected with AIDS through the sharing of needles for the intravenous injection of heroin, among many others.

5. The socio-economic conditions that help to generate supply are also quite clear, given the few options available to the producers, who in many though not all cases are peasants whose marginal existence and extreme poverty makes them a particularly vulnerable group, but who may also be people living in developed countries engaged in production with the most advanced technologies.

6. Countries experiencing certain effects of economic decline have little hope of suppressing illicit cultivation. Therefore it becomes necessary to find alternatives such as soft loans to encourage private investment in agricultural

activities so as to offer better living conditions to the marginal groups and lure them away from illicit drug cultivation, or securing adequate resources on a preferential basis from the international community.

7. Furthermore, everybody is aware of the harmful impact on the environment of illicit drug production, and even of its containment, since the toxic waste residue of plant processing, the use of chemicals to prepare it for shipment and the herbicides used by the authorities to eradicate illicit crops often upset the ecological balance.

8. Despite the relatively ample data and views on these questions, unusually cogent information has recently surfaced clarifying the three basic forces that drive the drug phenomenon: the availability and illegal flow of funds; the consistent linkage between the illicit arms traffic and the illicit drug traffic and the vast international networks of criminal organizations which, in some cases, in order to increase their power, penetrate or try to corrupt the government departments arrayed against them, and in others, collaborate with subversive political interests, creating conditions that make certain countries or regions truly ungovernable.

9. The need to deal with the drug phenomenon in a coordinated way at the international level is another of the realities that had to be faced and, to some extent, it has been met. However, in the recent past, the necessary international cooperation has been slow in coming because of a climate of conflict and recrimination between those countries in which, initially, the problem manifested itself almost exclusively as one of consumption and those in which its first appearance came in the form of production. This has made it impossible to prevent the problem, with all its features, from transcending national boundaries, as it has done, with a sharply negative effect on bilateral and regional relations.

10. Against this background, the United Nations drug control system as it now exists has been evolving regularly and systematically, drawing upon data and experience going back to 1909, the date of the first international conference for the control of drug trafficking, known as the "Opium Commission". The system has been gaining strength from the various international cooperation instruments that have been ratified over the years, culminating in the signing of the Single Convention on Narcotic Drugs in 1961 1/ and its 1972 Protocol 2/ and the 1971 Convention on Psychotropic Substances. 3/

11. As an organization, the Commission on Narcotic Drugs was established in 1946 by the Economic and Social Council as the central regulatory body in the field. The Commission, currently composed of 53 members elected by the Council, has served as a body which analyses the world drug situation and as an instrument for developing proposals to strengthen international drug control.

12. As early as the 1980s, it was considered necessary to set out clearly the formal commitments undertaken by the United Nations system or by the Member States to deal with drug abuse and drug trafficking, and to establish the specific parameters for coordinated international participation. For that purpose, the Secretary-General convened a conference to study those issues, the outcome of which was the signature of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. 4/ This

Convention, ratified to date by more than 100 countries, reflected the international consensus at the time and the concern of the participants to deal more effectively, in close coordination and with international support, multilaterally or bilaterally, with a phenomenon that was clearly becoming widespread.

13. In the first years of the 1990s, the rapid growth and complexity of the phenomenon became apparent, so that almost immediately it became necessary to update the information on the global situation presented by the drug problem in order to find more effective responses entailing greater commitment and financial support and political will.

14. As a result of that analysis, and for a more rational application of dispersed and sometimes contradictory United Nations efforts, the United Nations International Drug Control Programme (UNDCP) was set up by General Assembly mandate and on the basis of the Political Declaration and Global Programme of Action 5/ adopted by the Assembly in 1990. The new Programme's principal task is to execute the provisions made by the Commission on Narcotic Drugs by coordinating all functions and aspects of drug control undertaken by the United Nations system and ensuring complementarity in the interests of greater efficiency.

15. Recognizing that these advances in the internal organization and structure of the United Nations was reflected in the Member States' need and will to enhance international cooperation and redouble national efforts in the interests of more effective drug control, the General Assembly officially proclaimed the period from 1991 to 2000 as the United Nations Decade against Drug Abuse. That time-frame was chosen for the adoption of sustained measures on the national, regional and international levels to promote the implementation of the Global Programme of Action and to seek modern and dynamic alternatives for resolving the problem.

16. The need for regular updating in the face of a constantly evolving reality is one of the most forceful lessons emerging from the development of the United Nations drug control system over the years. This is the changing face of the global phenomenon known as drug trafficking and the measures to control it should also be changing. Their original goal was to reduce, in the medium term, the speed with which it spread and, in the long term, to hold it in check through the legal, political and social controls that had served to contain so many other epidemics that have assailed humankind for centuries.

17. Mexico has been present at every historic moment of this gradual development. We have not remained isolated from international action, and within our own borders we are daily strengthening our drug control institutions.

I. NATIONAL POSITIONS OF PRINCIPLE

18. Mexico's drug control policy is founded on the humanitarian principle of protection of the individual, with strict adherence to law and supported by the legal, organizational and functional soundness of national institutions. The State makes use of the powers vested in it under its legal system to prevent and combat drug abuse, drug production and the traffic in drugs. It also attempts

to eliminate the causes that contribute to the degeneration and addiction of the individual by enforcing integrated prevention and control measures to curb drug abuse.

19. In this ever-evolving process, Mexico consistently pursues a broad objective with three major aspects:

(a) Firstly, Mexico assumes primary responsibility for the preservation of the physical and mental integrity of its population, which is imperilled by addiction to products that impair its potential for full, healthy development.

(b) Secondly, Mexico is committed to protecting its national political, economic and social institutions against the attacks of a powerful criminal machine which is attempting to pervert and corrupt the nobler aims of political, economic and social authorities.

(c) Thirdly, this policy is reflected in greater cooperation and solidarity in the sphere of international relations, whose stability would be jeopardized particularly as it is affected by interaction with countries that share its borders or its geographical region.

20. The Mexican State continuously strives to protect these values - health, security and cooperation - from being eroded, inevitably leading to damage to the structure of the State as such. Thus, Mexico believes it has a responsibility for ethical political conduct that it cannot shirk.

21. In that context the basic principles that govern Mexico's conduct in the fulfilment of its commitment to drug control are as follows:

(a) Recognition of the problem requires a holistic approach. It is as important to prevent the planting of the seeds, to destroy the laboratories, or to detect and intercept drug traffic as it is to fulfil the priority of reducing consumption. Each phase is important, and concerted efforts must be made at each stage.

(b) Drug trafficking is not an isolated problem, involving one or two nations. Its global dimensions demand an approach with a multilateral focus and the sharing of responsibility if we are to deal with its global, regional, bi-national and local manifestations by actions based on mutual respect and cooperation. A united front against drug addiction and the drug traffic will prosper only if firmly founded on good faith, legal principles, political will, capacity for cooperation and a recognition of the unique identity of each country and unrestricted respect for its sovereign rights, and not by attempts to impose hegemony, not by policies of mutual recrimination or by assigning blame on the basis of Manichean geographical formulas, which solve nothing.

(c) The third important area of effort involves education and assistance. Society and government work together to prevent and eradicate the consumption of psychotropic and narcotic drugs; the measure of our success will be our ability to create a genuinely drug-free culture. Broad participation by society is essential for the development of rehabilitation programmes, and for surmounting obstacles and trends that could have deleterious consequences if not dealt with in a timely fashion.

(d) The area of the legal and penal suppression of the drug traffic in all its phases is changing and we are endevouring to develop better legal, institutional and functional methods of drug control.

II. STRENGTHENING OF INTERNATIONAL COOPERATION AGAINST THE PRODUCTION OF, DEMAND FOR AND TRAFFIC IN DRUGS AND DRUG-RELATED OFFENCES

22. Recognizing that despite the efforts of States to allocate a growing volume of human and financial resources to drug control programmes and policies, there has been a distinct increase in drug consumption both in countries traditionally identified as consumers and even in non-consumer countries and that the criminal organizations involved in the drug business are thriving and expanding, the high-level meetings of the General Assembly devoted to analysing the problem offer an unprecedented opportunity to launch an international time of reflection, which has become imperative given the seriousness of the situation.

23. That pause to reflect should be undertaken by the international community as a matter of urgency and with the support of all the expert sectors directly involved under the aegis of the United Nations as the first step in a thorough review and careful examination of the broad range of factors related to drug abuse control. The conclusions and recommendations emerging from this exercise could be considered subsequently with a view to mapping out possible international action to ensure that drug abuse control yields substantive and practical results.

24. There follow suggestions for some priority factors that might be considered with the object of initiating an international period of reflection.

A. Reduction of demand

25. Since drug consumption is the driving force that generates drug production and trafficking, the reduction in demand becomes the radical - albeit long-term - solution of the problem. The most effective means of reducing drug production and trafficking is the gradual reduction in current and future drug consumption.

26. In devising new international strategies consideration should be given to the development of global integrated prevention programmes that promote the following objectives through community action:

(a) To discourage the use of narcotic drugs, primarily the most addictive substances, through education in the schools and in the community;

(b) To consider the advisability at some future date of reviewing the differentiation now being made among drugs in order to satisfy the criteria laid down by the World Health Organization (WHO) and by the medical and penal experts, in order to reduce the illicit drug market;

(c) To institute treatment based on the timely detection of the problem and take measures for the rehabilitation and social reintegration of addicts.

B. Effectiveness of international efforts to eradicate illicit cultivation

27. Although the cultivation of stimulants is a fact in many countries irrespective of their level of development, illicit cultivation is frequently concentrated in the least developed. Consequently, they should be presented with the alternative to the actual eradication of illicit cultivation, namely, improvement in the living conditions of the people who are driven by extreme poverty to produce and market drug crops. That improvement can be achieved by implementing integrated rural development programmes based on international development cooperation and the principle of shared responsibility.

28. That is the traditional approach, complemented by the recognition that the countries identified as consumer countries are also producers of illicit chemical and pharmaceutical substances, inputs for drug production and substantial amounts of marijuana. Stricter administrative control and sanctions against producers and distributors should be rigorously applied.

C. Compatibilization of national legislations

29. In view of the inadequacy of a legal framework for suppressing certain activities related to drug trafficking and drug-related crimes, it is vitally important so far as possible and in conformity with domestic law, to bring into harmony, the national legislations of countries and to ensure that they are compatible with the relevant international instruments in force.

30. It is also essential to create new internationally compatible legal provisions for measuring and controlling the tremendous resources available to drug traffickers acknowledging that the huge profits from the drug trade constitute a key factor in the continuing success of drug trafficking, making it imperative to eliminate the drug market and the resources that feed it. Those legal provisions would help to record the movements and final destination of those huge profits by containing:

(a) The mechanisms for financing, processing and laundering drug-related money;

(b) The operations of the networks for purchasing and trafficking in weapons and explosives;

(c) The shipment of chemical precursor substances to clandestine laboratories;

(d) The processing, transport and distribution of the drugs.

D. The fight against organized crime

31. With the globalization of life patterns as manifested in trade, migratory movements, cultural activities, communications, transportation, economic, financial and so many other activities, there has been an upgrading in the organization of criminal pursuits.

32. To cope with that situation, national and international systems governing health, prisons, crime control, financing and banking must be revised and modernized. The conclusion of bilateral treaties on mutual legal assistance, extradition, the execution of sentences and money laundering should be encouraged. Judicial structures and systems of delivering justice must be adapted and the mechanisms for the exchange of strategic data must be strengthened so as more effectively to deal with transnational crime networks.

E. New financing mechanisms to improve international cooperation

33. It has been said that one of the obstacles to greater progress in dealing with the drug problem is the shortage of financial resources both for the operation of projects agreed upon in multilateral agencies and for the development of national programmes for the prevention, treatment, interception of in-transit drugs or support for integrated rural development programmes that remove the incentives for illicit cultivation. The enormous profits from international crime that are easily transferable from country to country and the quasi-total freedom the criminals enjoy to spend that money stand in stark contrast to the lack of resources for the war on drugs. Unless that contradiction is resolved, there is little prospect that United Nations regional and national programmes will be successful.

34. The international financial institutions, at the urgent request of the General Assembly, should support the existing UNPCID mechanisms without discrimination to back up what countries consider to be their priority anti-drug programmes.

35. A positive step that might be taken in that connection would be to promote the formation of civic associations, foundations or trusts that would draw on funds provided by donations and tax-deductible contributions from individuals, social groups, public and private agencies, non-governmental organizations and multilateral organizations dedicated to action in support of the investigation, design, application and evaluation of methods and techniques for prevention and rehabilitation and concerned with the drug problem in all its many aspects.

Notes

1/ United Nations Treaty Series, vol. 520, No. 7515.

2/ Ibid., vol. 976, No. 14152.

3/ Ibid., vol. 1019, No. 14956.

4/ E/CONF.82/15 and Corr.1 and 3.

5/ Resolution S-17/2, annex.